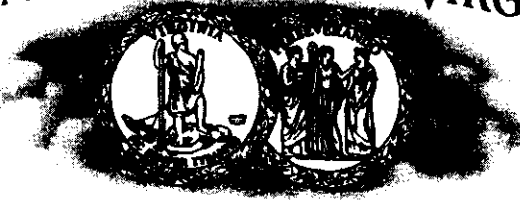


COMMONWEALTH OF VIRGINIA



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DOCKET FILE COPY ORIGINAL

July 29, 1999

Ms. Magalie Roman Salas
Commission's Secretary
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W., Room TW-B204F
Washington, D. C. 20554

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JUL 30 1999

FCC MAIL ROOM

Dear Ms. Salas:

Re: Numbering Resource Optimization
CC Docket No. 99-200

Enclosed please find comments of the Virginia State Corporation Commission Staff in the above referenced case.

Very truly yours,

William Irby
William Irby

WI:ajp

Enclosure

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the matter of:

Numbering Resource Optimization

Connecticut Depart of Public
Utility Control Petition for Rulemaking
to Amend the Commission's Rule
Prohibiting Technology-Specific or
Service-Specific Area Code Overlays

Massachusetts Department of
Telecommunications and Energy
Petition for Waiver to Implement a
Technology-Specific Overlay in the
508, 617, 781, and 978 Area Codes

California Public Utilities Commission
and the People of the State of California
Petition for Waiver to Implement a
Technology-Specific or Service-
Specific Area Code

CC Docket No. 99-20

RM No. 9528

NSD File No. L-99-17

NSD File No. L-99-36

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COMMENTS OF THE
VIRGINIA STATE CORPORATION COMMISSION STAFF

INTRODUCTION

The Staff of the Virginia State Corporation Commission (VSCC) respectfully submits the following comments in response to the FCC's Notice of Proposed Rulemaking (NPRM) released June 2, 1999, in the above captioned proceeding.

Virginia, like most other states, is faced with ordering relief for area codes that are exhausting unnecessarily. The primary reason for premature code exhaust is the present method

of assigning central office (CO) codes in blocks of 10,000 numbers. While this practice made sense and served us well in an earlier era, it is now an outdated and appalling waste of a limited resource which must be addressed immediately. While other number conservation measures should be considered by the FCC and state regulatory agencies, assigning numbers in thousand - blocks or less holds the best promise for extending the life of area codes. The FCC must move forward with implementing pooling as well as other national conservation measures to avoid a meltdown of the current North American Numbering Plan (NANP). This plan, adopted in 1947, is now woefully outdated.

NUMBER POOLING

Further study of the effectiveness of pooling by the FCC is a waste of time. Detailed analysis has already been conducted by the North American Numbering Council (NANC) and the North American Numbering Plan Administrator (NANPA). We have reviewed numerous numbering documents and conferred on many occasions with other state regulatory agencies, NANPA, as well as the FCC Staff on number pooling. All parties are in agreement that pooling will extend the life of area codes. We strongly suggest that the FCC consider the following principles and observations in its deliberation of proposed pooling procedures and rules:

- It appears that the FCC believes pooling should be implemented only after states have studied and completed the consolidation of rate centers. If this is an accurate reading of the NPRM, the idea must be rejected for several reasons: 1) Rate center consolidation (RCC) could adversely impact a company's earnings. For example, a local exchange carrier (LEC) could lose toll or other revenues as result of RCC because toll and measured calls may be converted to local calls; 2) There may be complicated E911 and call routing

problems related to RCC; and 3) Other states with actual experience have indicated that RCC is a lengthy process, and time is running out for relief. In short, RCC should be studied after pooling has been implemented and the results are documented.

- The FCC must give NANPA strong authority over all code holders to implement and enforce its pooling rules. This is necessary for reclaiming uncontaminated and partially contaminated thousand blocks to the number pool, as well as enforcing other "unpopular" measures. Without strong authority and backing by the FCC, carriers will not be compelled to release their codes.
- Pooling should be implemented in all local number portability (LNP) - capable central offices throughout the country, not just the top 100 MSAs as suggested by the FCC. The numbering crisis affects large and small metropolitan areas as well as rural America. In Virginia, for example, Bell Atlantic serves approximately 80% of the telephone customer base in both urban and rural areas, and reports 100% LNP capability. It is not logical to limit pooling to the top MSAs such as Northern Virginia and the Norfolk/Virginia Beach area when many codes in rural Virginia are under utilized.

VERIFICATION OF A CARRIER'S NEED FOR NUMBERS

The FCC must adopt a process for NANPA to verify a carrier's request for initial codes as well as those intended for growth. If a carrier cannot fully support its claimed need for a code, NANPA should deny the request.

Requests for initial codes (new carriers) should be supported by information provided to NANPA demonstrating: 1) that the carrier has been certified by the state as in the case for competitive local exchange carriers (CLECs), or licensed by the FCC as in the case of commercial mobile radio service companies; 2) that installation/construction of facilities will begin within six months of its request. This documentation must be provided for each rate center because many CLECs hold statewide certificates, but initially only provide service in, for example, one or two rate centers. They should not be able to hold codes for rate centers that may be served at some future date; and 3) that a valid interconnection agreement has been completed or will be completed within six months.

Requests for growth codes must be supported by verifiable number utilization data. This is extremely important because practically all carriers, including incumbent local exchange carriers (ILECs), historically have not utilized code resources in an efficient manner. There are numerous examples where, for instance, an ILEC exchange has three or four times the number of codes actually required for service. This could be remedied by establishing and strictly enforcing a reasonable fill rate. This would work for either the present wasteful 10,000 block assignments or with thousand - block or less assignments. We suggest that the FCC consider adopting a high fill rate of 85 - 90% before an additional block of numbers could be requested by a carrier. Indeed, one could argue that the current numbering crisis is not the result of a shortage of assignable telephone numbers (there are plenty in most areas), but in fact is partly due to carriers requesting and holding unnecessary codes.

CLOSING REMARKS

Several state regulatory agencies have applied to the FCC for authority to engage directly in pooling trials and other areas of number administration. It is easy to understand why this has

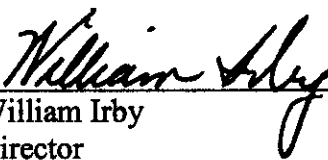
happened given the fact that state agencies, not the FCC, are on the front line of the public and are held accountable when an NPA overlay or split occurs. Virginia may also be forced to request numbering administration authority if the FCC fails to establish national rules in the very near future. In order to position ourselves for such a filing, the decision has already been made to send a data request to all code holders in Virginia requesting information on fill rates, unused numbers, etc.

Numbering for telecommunications carriers is akin to assigning frequencies from the wavelength spectrum. Both are national in scope and therefore should be the responsibility of the FCC. The FCC must quickly establish and enforce a national numbering scheme just as it has for frequency allocations. The numbering crisis is real and getting worse each day. The time for action is now.

The VSCC respectfully requests that these comments be considered by the FCC in this critically important rulemaking.

Respectfully Submitted,

Virginia State Corporation Commission
Division of Communications



William Irby
Director

Dated: July 29, 1999